

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Kelly Emmanuel Debnam**

**Docket No. 3:94-CR-65-3H**

**Petition for Action on Supervised Release**

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kelly Emmanuel Debnam, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute Cocaine Base (Crack) in violation of 21 U.S.C. §846, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on May 23, 1995, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall submit a written weekly report to the probation office, if not regularly employed, of attempts to secure gainful employment.
5. The defendant shall pay a fine to the United States in the sum of \$7,500.00, the fine shall not bear interest and shall be paid during incarceration and the remaining balance after release shall be paid during supervised release at the direction of the probation office not later than 5 years after release.

Kelly Emmanuel Debnam was released from custody on July 15, 2003, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Between April 1, 2006, and April 8, 2007, the defendant was cited on six occasions for either Driving While License Revoked or No Operator's License, as well as other infractions involving

expired vehicle documentation or inspections. Further, the defendant failed to appear in court to face any of the charges. He has been verbally reprimanded on several occasions for these violations. It now appears that a more severe sanction is in order. A 6-day jail term, consisting of one day in jail for each instance of illegal vehicle operation and failure to appear in court, should impress upon the defendant that he is not to operate a motor vehicle unless he possesses a valid license and his vehicle is properly inspected and documented, and that he should appear in court to address the charges. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

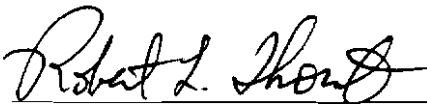
**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 6 days as arranged by the U.S. Probation Office, and shall abide by all rules and regulations of the designated facility.

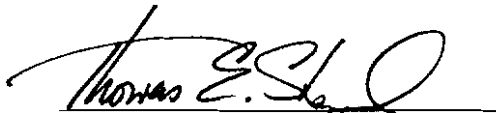
Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.



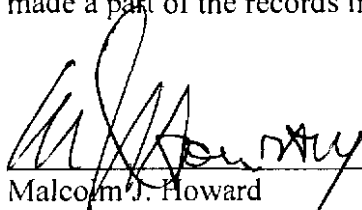
Robert L. Thornton  
Supervising U.S. Probation Officer



Thomas E. Sheppard  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: August 30, 2007

**ORDER OF COURT**

Considered and ordered this 10<sup>th</sup> day of Sept, 2007, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard  
Senior U.S. District Judge